

Representation of Flitwick Town Council to the proposed development at Land to the side and rear of 41 to 47 Coniston Road, Flitwick

Appeal reference: APP/P0240/W/22/3311532

Application reference: CB/22/01771/FULL

Authored by James Gleave with contributions from the Planning Improvement Working Group

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Introduction

The Town Council is a statutory consultee in relation to planning applications in Flitwick. Through its Planning Improvement Working Group, it is seeking to achieve better planning outcomes for the town in developments of all sizes and forms.

This written representation concerns comments made by the Town Council concerning the planning application for the construction of a single storey one bedroom dwelling at Land to the side and rear of 41 to 47 Coniston Road, Flitwick. In its response, the Town Council recommended refusal on the following grounds:

1. Loss of privacy
2. Lack of adequate parking
3. Highways safety issues
4. No road access for emergency vehicles
5. Layout and density of the building

This representation provides further detail on each of these matters. The comments included here represent the discussions that were had concerning this application at the time of its consideration. Since that point, the Planning Improvement Working Group has had the opportunity to provide further additional points that are addendums to these core issues. These are covered in this representation.

In undertaking its duties, the Planning Improvement Working Group is also pragmatic in its approach. Our position remains that this application should be refused on the aforementioned grounds, and we consider that there is robust evidence to do this. However, in the event that the application is permitted, we recommend that a number of conditions - set out in the final section of this representation - are attached to the permission. Whilst these will, in our view, not be sufficient in overcoming the fundamentals of our objection, and will not make the development acceptable in planning terms, they will go some way to mitigating the impact of the development.

Loss of privacy

The Town Council's concerns around privacy are multi-faceted, but ultimately come down to one key point. This is regarding ensuring the privacy of the occupants of the proposed property both from the rear of the property, and from the front of the property.

Regarding privacy, there are several aspects to the [Central Bedfordshire Design Guide](#) that are of relevance to this development and its privacy implications. This is particularly covered in Section 5 on Residential Development. In the section on Achieving Privacy through design. This development is situated to the rear of the two-storey house at number 47 Coniston Road, and as such design guidance relating to rear elevations is relevant. This is covered in Paragraph 5.02.02, which states that:

“Side and rear boundary treatment should be at least 1.8m in height which will supplement this basic level of privacy [authors note: this refers to paragraph 5.02.01 in the Design Guide.]”

The plans state that the rear boundary fence will be at least 1.8 metres in height, satisfying this minimum standard. However, there is a significant privacy issue concerning a window on the second floor of number 47 Coniston Road, which is in clear glass but with a retractable blind - as shown in Figure 5 of the applicants Design and Access Statement. This window directly overlooks the proposed development. Related to this matter is paragraph 5.02.04 of the Design Guide, which states that:

“In higher density areas a more three-dimensional approach to achieving acceptable levels of privacy is required. Effective visual privacy can be achieved through:

- *The careful relationship of habitable rooms of a dwelling in relationship to others (either in the proposed scheme or existing neighbours)*
- *The relationship of one dwelling with another (e.g. at angles to each other)*
- *The height, size and shape of upper floor windows, compatible with providing means of escape (Building Regulations).*
- *The use of single aspect or internal courtyard housing units*
- *The design of screen walls and the specification of tree species to ensure privacy and colour*
- *The use of garages, bicycle stores and other buildings requiring little or no outlook.”*

It is our view that the current application, which only contains proposals for a rear boarded timber fence of 1.8 metres in height, does not account for the relationship of habitable rooms of a dwelling in relationship with others, nor does it consider the relationship of one dwelling with another when designing for privacy.

Regarding the Local Plan, Policy HQ1 is explicit in its design expectations for new developments:

“Policy HQ1: High Quality Development

The Council will ensure that all developments are of the highest possible quality and respond positively to their context. Development proposals, including extensions and change of use, will be permitted where:

- 1. Proposals take account of opportunities to enhance or reinforce the local distinctiveness of the area and create a sense of place;*
- 2. Size, scale, massing, orientation, materials and appearance relate well to the existing local surroundings and reinforce local distinctiveness, both built and natural;*
- 3. Careful consideration is given to the density of all new housing proposals to ensure that they make the most efficient use of the land available, whilst reflecting the existing character of the surrounding area and making provision for appropriate landscaping and boundary treatments;*
- 4. Proposals are well connected to surrounding areas, providing safe, attractive and convenient routes that encourage travel by sustainable modes and meet the needs of all street users;*
- 5. The distinction between public and private space is clear, with defined boundaries;*
- 6. Proposals are complementary to the existing natural environment, taking account of the landscape setting, landscape character and tranquillity, Rights of Way, biodiversity and Green Infrastructure;*
- 7. High quality hard and soft landscaping appropriate to the scale of development proposed should be used to integrate the proposal into the existing built, natural and historic environment;*
- 8. Healthy lifestyles are promoted through the design and layout of the development;*
- 9. Inclusive design is considered from the outset of the design process;*
- 10. Layouts are designed to maximise surveillance and increase pedestrian activity within the public realm to reduce opportunities for crime and the fear of crime;*
- 11. There is not an unacceptable adverse impact upon nearby existing or permitted uses, including impacts on amenity, privacy, noise or air quality;*
- 12. Any lighting associated with the development does not have a detrimental impact on the surrounding area; and*
- 13. Development supports the sustainable management of waste through the appropriate layout and design of buildings, external spaces and roads in accordance with the Design Guide for Central Bedfordshire and Waste Strategic Policy WSP5 of the Minerals and Waste Local Plan (January 2014).*

All new development will be expected to have regard to the Central Bedfordshire Design Guide (and subsequent revisions).”

Due to the lack of consideration given to the relationship with number 47 Coniston Road, we consider that this development does not pay due regard to the Central Bedfordshire Design Guide. This would therefore make this development contrary to Policy HQ1 of the Central Bedfordshire Local Plan.

From the front of the property, the Town Council has a concern that the planned development may not maintain sufficient privacy from the shared use path between Temple Way and Coniston Road. This path is very popular, as it provides a convenient and direct link towards both Flitwick Lower School and Tesco. In particular, the path is very well used just before the start of school, and just after school has ended, although a steady stream of users is notable throughout the day.

The Town Council is aware that the Design Guide does not explicitly refer to privacy concerns when it comes to frontages of properties. However, it is of the view that the privacy of the development is related to the amount of setback from the frontage, and this is a material planning consideration.

Paragraph 5.07.02 of the Design Guide states that:

“The amount of frontage amenity space or setback to a dwelling should be determined by the existing or proposed character of the street and its degree of urban, suburban, formal or informal nature.”

It is the view of the Town Council that the existing character of the street in this location can be determined in one of two ways. The first is in relation to the shared use path itself, and the second is in relation to the wider built form on Coniston Road. Both of which we will now consider.

The shared use path is characterised by a setback to the property line of around 1.5 metres for the majority of its length. The only exception to this is where the shared use path rounds the corner at the Temple Way end in order to access the zebra crossing on Temple Way. Here, the boundary fence runs alongside the shared use path for a short distance of around 8 metres, considerably less than the 23 metres frontage provided by the development, and the 35 metres of the shared use path (excluding the proposed development site) for where there is at least 1.5 metres setback. Therefore, along the shared use path, we argue that the current street scene maintains a setback of at least 1.5 metres from the path.

Regarding the rest of Coniston Road, the majority of the built form is characterised by setback from the street provided either by a garden or parking bay of varying lengths, but in most cases 1 metre or more. There are some notable exceptions to this rule with some properties having a more active front to the street, notably numbers 60, 61, and potentially number 47 (though this is just for one corner of the building, which is at a 45 degree angle to the main street and is mostly set back by a parking space).

With the existing street scene, regardless of how you consider it, is characterised by setback. Therefore, as part of the design of the property, it is on the applicant to make the case for the significant alteration of the existing street scene to provide a more active frontage. In the Design and Access Statement, the applicant only considers the visual appearance of the external walls

(Section 3.5) and the scale in relation to the existing dwellings (Section 3.6). The applicant therefore has not considered the existing street scene, nor have they made the case for its significant alterations. Furthermore, because of this, the Town Council considers that the privacy implications of the front of the development have not been factored into the design.

Due to these matters, we consider that this development does not pay due regard to the Central Bedfordshire Design Guide. This would therefore make this development contrary to Policy HQ1 of the Central Bedfordshire Local Plan.

Lack of adequate parking

The Town Council is concerned that the development does not contain adequate levels of parking, either on site or off site.

Central Bedfordshire Council guidance, contained in Section 1.14 of the Design Guide, states that a minimum number of 1 space should be provided for a detached dwelling, and 2 parking spaces is the suggested amount of parking to be provided. The Design Guide also states that, while there is no best solution to provide car parking, that parking design should be:

“...in keeping with the characteristics of the settlement, relate well to dwellings and be incorporated with the overall built form as far as possible.”

The Design and Access Statement to the application contains no reference to car parking to be provided on the site. The application form states that 1 additional parking space will be provided, with no indication given as to where such parking would be provided.

At the time the comments were made, the Town Council was concerned about the impact of a lack of parking for the owners of the property would have on the surrounding highway network. This is notably in relation to the lack of available spaces along Coniston Road and Temple Way. Both of these roads are subject to timed parking restrictions owing to their proximity to the station. On Coniston Road, vehicles can only park on street for half of the day, Monday to Saturday. On Temple Way, the restrictions are much more severe, with parking restrictions associated with the zebra crossing and the school, with double yellow lines along much of the length of the road between Falcon Crescent and Dunstable Road. There are some formalised parking bays, that are frequently used by local residents of surrounding houses and for pick up and drop off at Flitwick Lower School.

The Town Council notes in the appeal decision of 1st December 2021, the Inspector made the following comments related specifically to parking:

“The CBDG seeks the provision of 2 off road parking spaces for a 2 bedroom dwelling such as the appeal proposal. No off road parking though would be provided. Given that the site is located within comfortable walking distance of the shops, services, facilities and train station in the centre of Flitwick, future occupiers would not necessarily need a car. However, the lack of off street parking for the property and the parking restrictions on Coniston Road and Temple Way mean that it is likely that vehicles making deliveries to the property would park off road on the appeal site partly blocking the cycleway / footway. Such an obstruction would decrease visibility along its route and increase the risk of collision between users.”

As a result of this appeal decision, the view of the Council in relation to parking on this site has developed further. Although the Council is still of the view that the parking provided is insufficient, our perspective has developed as a result of the Inspectors considerations.

Whilst the Town Council agrees that the site is in a good location in terms of accessibility, being close to Tesco, the train station, the library, Flitwick Lower School, and within walking distance of a number of other amenities, we do not agree with the assessment made by the Inspector. Under the Design Guide, lower parking provision can be justified in exceptional circumstances, and whilst the site is accessible, it is the view of the Council that this on its own does not justify exceptional circumstances. It is the view of the Town Council that when considering accessibility, this should be considered as accessibility in the round, as opposed to purely proximity to some services. It is the view of the Town Council that, when considering accessibility as considered in the Design Guide, the following facilities are accessible, primarily due to close proximity:

- The railway station, along with access to some local bus services that will serve the new interchange¹;
- Food stores, mainly Tesco and Co-op at The Russell Centre;
- Flitwick Lower School for primary school age education;
- The Recreation Ground for leisure activities.

But it is not accessible to the following local facilities that are contained within Flitwick, primarily due to distance and the lack of safe and accessible access on foot:

- The Doctors Surgery at The Highlands, a 10 minute walk away, crossing two busy roads with a hostile pedestrian environment on Steppingley Road (close to the junction with Coniston Road on the shortest route) and the High Street.
- The Dental Surgeries on the High Street, Kings Road, and at The Highlands, crossing two busy roads with a hostile pedestrian environment on Steppingley Road (close to the junction with Coniston Road on the shortest route) and the High Street;
- General shopping and services on the High Street, crossing two busy roads with a hostile pedestrian environment on Steppingley Road (close to the junction with Coniston Road on the shortest route) and the High Street.

Reflecting this access to wider facilities other than food stores and the train station, it is the view of the Council that accessibility cannot be a grounds on which exceptional circumstances are determined.

Policy T3 of the Local Plan contains the expectation that new developments should accord with the standards for parking set out in the Design Guide. This policy states:

“Policy T3: Parking

Developers of new residential, commercial and other trip generating developments, must have regard to the car parking standards set out in the Central Bedfordshire Council’s Design Guide and Parking Strategy.

¹ At the time of writing this representation on 20th March 2023, the bus interchange at the station was not served by any local buses

Provision for cycle parking in new developments must have regard to the standards in the Central Bedfordshire Cycle Parking Annex of the Local Transport Plan.

Provision of lorry parking and waiting facilities for all new industrial and commercial units, including quarries and waste management facilities must be made on site unless suitable alternative HGV parking and waiting facilities are available within the locality. Suitable proposals for lorry rest facilities will be supported where the applicant has demonstrated there is a commercial demand.”

Additionally, whilst we agree with the sentiment that delivery vehicles would cause a dangerous obstruction (this will be considered further in the next section), we do not consider that this will be the result of vehicles mounting the shared use path and driving along it. It is illegal for any vehicle with the exception of a bicycle to use a shared use path. Whilst there may be a natural inclination for some drivers to use the path illegal, in assuming behaviours the assumption must be that the majority of delivery drivers will act in a legal manner. This means parking at the end of the shared use path on Coniston Road, which will present its own road safety issues.

Due to these matters, we consider that this development does not pay due regard to the Central Bedfordshire Design Guide. This would therefore make this development contrary to Policies HQ1 and T3 of the Central Bedfordshire Local Plan.

Highways safety issues

Further to the matter raised in the previous section on parking, the Town Council raised particular issues associated with highways safety concerning the access onto Steppingley Road from the shared use cycle path. Previously, the Inspector, in their report, noted that:

“...the lack of off street parking for the property and the parking restrictions on Coniston Road and Temple Way mean that it is likely that vehicles making deliveries to the property would park off road on the appeal site partly blocking the cycleway / footway. Such an obstruction would decrease visibility along its route and increase the risk of collision between users.”

We generally concur with this assessment. The current width of the shared use path between Temple Way and Coniston Road is 2.5 metres at its maximum extent. Local Transport Note 1/20, in Table 6-3 recommends that for shared use paths with up to 300 cyclists per hour (as we anticipate the position being here), a minimum width of 3 metres is stated.

It is not the responsibility of any development to correct design mistakes of the Local Highway Authority, even though this path was installed prior to the adoption of Local Transport Note 1/20. However, as the observations of the inspector makes clear, the introduction of development on this site introduces a risk factor currently not present on the site. Nor, in our view is this factor considered in the designs of the developer for moving the shared use path to take account of the building frontage. It simply moves the existing path towards Millennium Park.

It is our view that, whilst the provision of a wider shared use path between Coniston Road and Steppingley Road would mitigate the impact of any vehicle parking on it to some degree, it would not eliminate the safety risks associated with the development entirely. This has not been considered in the applicants proposals, including in those of a revised design for the shared use path itself, which has no associated Road Safety Audit.

Additionally, the current shared use path at its entrance with Coniston Road is one that is considered to be unsafe by the Town Council, and the provision of a development would add to this risk. Coming from the shared use path, cyclists are required to enter onto Coniston Road through a look over their shoulder, as the junction is provided at an oblique angle. Furthermore, it is the view of the Town Council that any parking associated with the development located close to this junction runs the risk of obscuring cyclists - particularly children who frequently use this route - from oncoming traffic. Again, the lack of a Road Safety Audit does not help.

Due to these matters, we consider that this development does not pay due regard to the Central Bedfordshire Design Guide. This would therefore make this development contrary to Policies HQ1 and T3 of the Central Bedfordshire Local Plan.

No road access for emergency vehicles

The Town Council raised concerns that for emergency services, it would be difficult to access the proposed development in a timely manner. The Town Council still retains these concerns, and considers that the quickest access to the site for emergency vehicles would be to mount the pavement and access along the shared use path from Coniston Road.

Section 6.2 of the Highways Construction Standards and Specification Guidance - a part of the Design Guide - states the following:

“Turning facilities such as a hammerhead or turning circle should be provided for any dead end. The maximum reversing length should be 15m. A fire tender should be able to gain access to within 45m of all parts of the ground floor of a dwelling from public highway.

The Developer is to consult with the local Fire Service to confirm the vehicle size for that particular area of development. Evidence of vehicle swept path, using the required vehicle, is required with any submission if this is more onerous than vehicle already tracked.”

The Town Council notes that the point where the site is closest to the public highway on Coniston Road is 45 metres. Therefore, all parts of the ground floor being within 45 metres of the public highway is impossible.

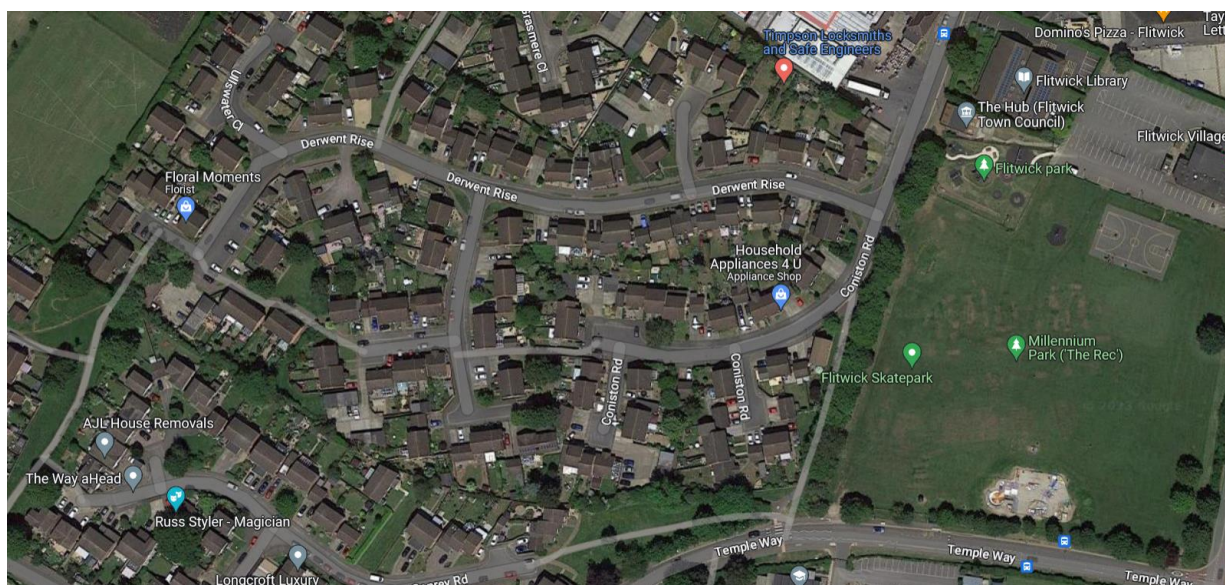
When measured on a map, the access to the public highway on Temple Way is within 25 metres of the site. However, it must be noted that this is the site of a zebra crossing with bollards. Not only would this, plus a sharp left turn between trees and a fence as the vehicle approaches from Temple Way, make vehicle access from this side impractical, but this would mean that the emergency vehicle would need to park away from the zebra crossing so as not to cause an obstruction.

Due to these matters, we consider that this development does not pay due regard to the Central Bedfordshire Design Guide. This would therefore make this development contrary to Policy HQ1 of the Local Plan.

Layout and density of the building

In its deliberations, the Town Council considered that the planned layout and density of the building was not in keeping with the density of the surrounding area. Primarily the residential area along Coniston Road and Derwent Rise to the north that forms the primary land use function within the area.

The Coniston Road residential land use area is characterised by 2-3 bedroom homes, with the occasional single bedroom dwelling, arranged in cul-de-sacs and providing an active frontage to the street. This is a relatively low density type, with a distinct suburban feel in its layout.



The development of this site is not reflective of this wider context. Whilst the Town Council acknowledges that development can be constructed at higher densities than the surrounding land uses, the Central Bedfordshire Design Guide, in paragraph 1.20.04 states that

“...the key to creating an appropriate design is not about achieving a certain density, but much more about block design, massing, heights, housing mix, and use of open space.”

We consider that this site contravenes the Design Guide on these principles in the following ways:

- Contravening the principles of the block design of the residential area that surrounds it, by not according to the main principles of cul-de-sac and main street frontage that is present elsewhere;
- The height is not in keeping with the surrounding development area, and considering the issues of privacy may not be achievable on this site;
- Reducing the levels of open space by developing one of the few locations within this development area that that be reasonably described as open;

Paragraph 1.20.04 goes onto state:

“However, changes in density across a large scheme or in urban settings can often be appropriate and add variety and mix providing that they are well-designed.”

It is the view of the Town Council that this proposal is not a well-designed one when considering the relationship with the surrounding residential area.

Due to these matters, we consider that this development does not pay due regard to the Central Bedfordshire Design Guide. This would therefore make this development contrary to Policy HQ1 of the Local Plan.

Conditions should planning permission be granted

The Town Council recommends that, for the reasons outlined previously, that this appeal be dismissed. However, we are also practical, and recognise that this development may be permitted. Should the development be permitted, we would recommend that the following conditions be applied, which will to some degree mitigate the impacts of the development.

- That prior to the commencement of development, the applicant provides a financial contribution to the Local Highway Authority with the intention of widening the existing shared use foot and cycle path between Temple Way and Coniston Road, and provides a safer access arrangement onto Coniston Road for cyclists. Any such scheme must be in compliance with the requirements of Local Transport Note 1/20.
Reason: to provide a safe and convenient walking and cycling route to access the development, and to enhance access between Temple Way and Coniston Road.
- That prior to the occupation of the development, the applicant provides a financial contribution to the Town Council for the purposes of the provision of public art within the vicinity of the development,
Reason: to offset the loss of amenity caused by the development of the open space within which the development resides.
- That prior to the commencement of development, the applicant provides a financial contribution to the Local Highway Authority for the purposes of providing one dedicated on-street car parking space for the development on Coniston Road.
Reason: to ensure compliance with local parking standards.